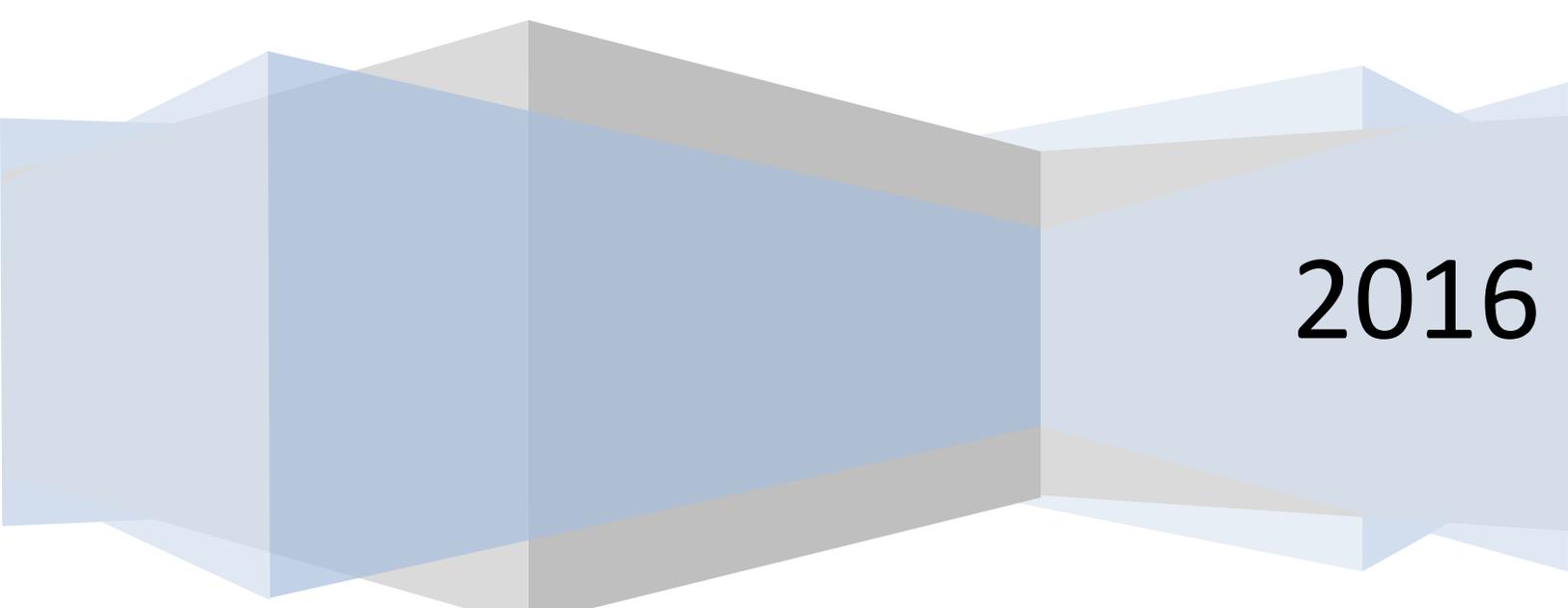


Nevada State Library, Archives and Public Records

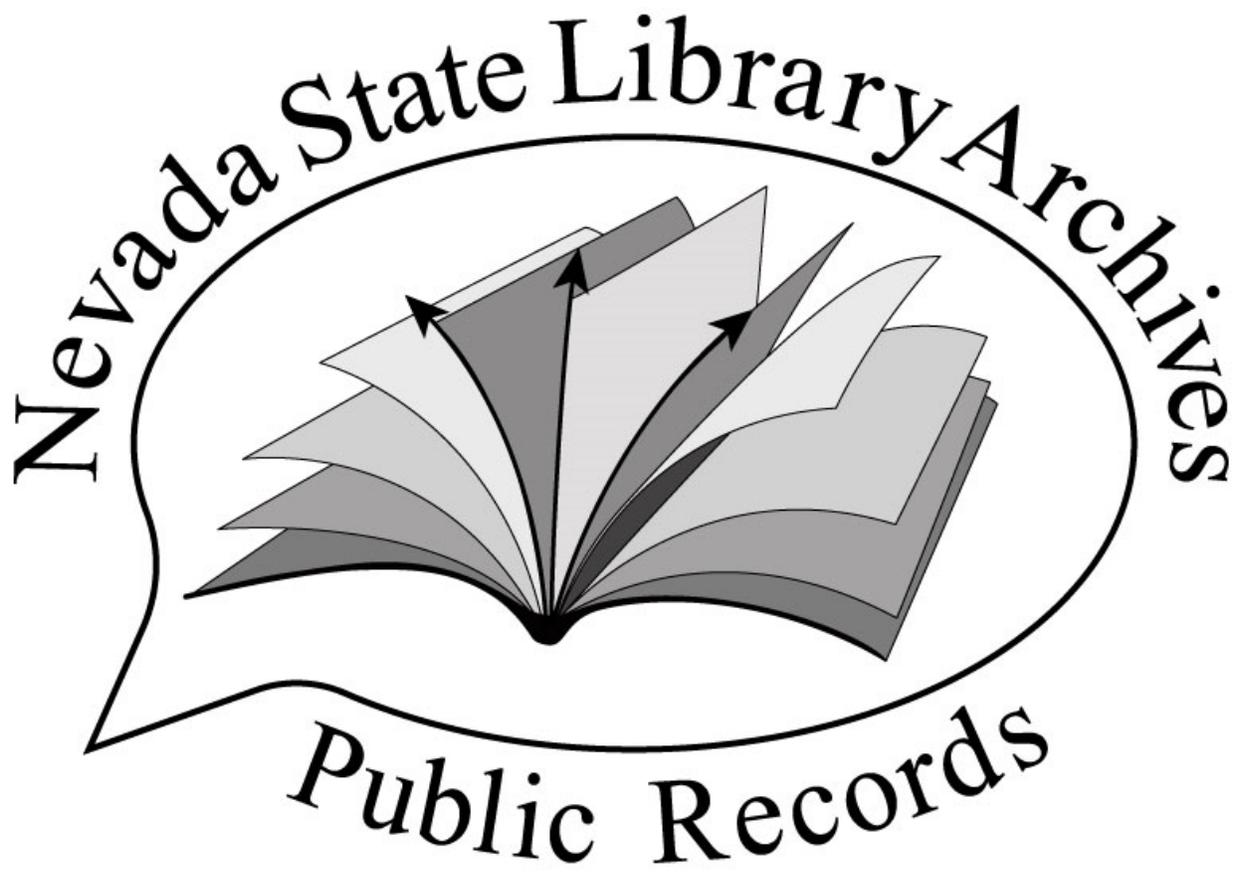
Local Government Records Management Program Manual

Revised

State Records Program



2016



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Introduction

The Nevada State Library, Archives and Public Records (NSLAPR) is pleased to present the Records Management Program Manual for use by all local governments in the State of Nevada. This manual provides instructions and guidelines for public records management based on the provisions of NRS Chapter 239, NRS Chapter 378, and NAC Chapter 239. This narrative section of this manual serves as a guide to the laws and regulations for recordkeeping in Nevada. The 2016 manual supersedes all previous versions.

The State Library, Archives and Public Records is a division of the Department of Administration. The Division's Local Governmental Records program is under the authority of NRS 239.125.

NRS 239.125 Local governmental records: Program for management; regulations of State Library, Archives and Public Records Administrator.

1. A local governmental entity may establish a program for the management of records, including the adoption of schedules for the retention of records and procedures for microfilming, which must be approved by the governing body and comply with the applicable provisions of this chapter and any regulations adopted pursuant thereto.
2. The State Library, Archives and Public Records Administrator shall adopt regulations to carry out a program to establish and approve minimum periods of retention for records of local governments. The proposed regulations or any amendment thereto must be submitted to the Committee on Local Government Finance, established pursuant to [NRS 354.105](#), for its advice and recommendations.

Nevada State Library, Archives and Public Records

The Nevada State Library, Archives and Public Records (NSLAPR) is a Division of the Department of Administration. The NSLAPR exists to meet the information and research needs of State government; to coordinate and supplement a State network of library resources for Nevada; and to preserve, maintain and coordinate State and local government records and archives. Archives and Records works with the State Historical Records Advisory Board and the State Records Committee to ensure proper maintenance of and access to Nevada government records.

Web site: <http://nsla.nv.gov/>

State Records Services

The Records Management program provides expertise and assistance to local governments on managing records and information in the most effective, cost efficient, and legally compliant manner. If sufficient funds are available, State Records program staff can provide on-site classes on records management.

Web site: http://nsla.nv.gov/Records/Records_Management/

Local Government Web site: http://nsla.nv.gov/Records/Local/Local_Main/

Nevada State Library, Archive and Public Records State Records Program

Hours: 8:00-12:00 and 1:00-5:00

100 N. Stewart Street Carson City, NV 89701 7

755-684-3411 / Fax 775-684-3425

800-922-2880 (in-state)

records@admin.nv.gov

State Archives

The State Archives program preserves the records that document the history of Nevada State government dating back to 1851. It has custody over the historical records of the territory and state as defined in state statute.

As part of this collaborative project original hand created documents, dating from 1851 to 1931, have been scanned and are available in the Historical Nevada Collections. More recent publications produced by state and local government agencies covering a range of topics such as agriculture, healthcare, wildlife, and law are featured in the Historical State Publications Collections. <http://www.nsladigitalcollections.org/>

If sufficient funds are available, the Archives' team, responds to collections-related requests from local governments such as:

- Examine records for archival/historical purposes
- Teach conservation treatment for the long-term stability of records; and
- Essential records recovery training.

Website: http://nsla.nv.gov/Archives/Nevada_State_Archives/

Imaging and Preservation Services

The Imaging and Preservation Services program provides microfilming and imaging production services, including source-document digital scanning and microfilming, output of digital information to microfilm, scanning of microfilm images to digital, information redaction services, and microfilm processing and duplication. For additional information call the Micrographics and Imaging program at 775-684-3319.

Web site: http://nsla.nv.gov/Imaging_Preservation/IPS_Home_Page/

Library Services

All of the reference materials listed in this publication are in the State Library and are available for loan. The Library directly loans materials to visitors who are Nevada citizens with a valid Nevada library card. The Library provides distance loans of materials from its collections when requested by another library that subscribes to the Interlibrary Loan Code. In addition, the Library provides in-depth reference and research services to Nevada State government personnel, local governments, and Nevada citizens.

- **Reference and Research Services:** A staff of professional librarians provides reference and research services by utilizing its collections, databases, and other information sources to supply requested information NRS 378.080(d). For additional information call the Library Reference desk at 775-684-3360 or you may complete their Ask-a-Librarian form on their web page, [http://nsla.nv.gov/Library/Library_Services/Ask-A-Librarian\(1\)/](http://nsla.nv.gov/Library/Library_Services/Ask-A-Librarian(1)/).
- **State Publications Distribution Center:** The Library provides a State Publications Distribution Center to acquire, index and distribute State, city and county publications. Every local government shall, upon release, deposit with the State Publications Distribution Center at least six copies of each of its publications. If the publication is in an electronic format or medium, the state agency or local government shall notify the State Publications Distribution Center of such release and provide the Center with access to the Publication. Web site: http://nsla.nv.gov/Library/GovPubs/Government_Publications_Home_Page/
- **Nevada State Data Center:** The Library, through contract with the U.S. Bureau of Census, is the State Data Center for Census information. The Library and State Data Center affiliates receive and disseminate census information to State government agencies, local governments and citizens.

Web site: http://nsla.nv.gov/Library/Library_Services/State_Library_Services/

Records Management Program Manual

Records are a significant government asset. They contain valuable information used to support decision-making, sustain communications, control the delivery of services, substantiate citizen entitlement, and ensure accountability. All employees of a local government have a responsibility to manage records. This recordkeeping

responsibility is especially important for the government leaders who make the decisions that establish public policy and guide program direction. This manual can meet these recordkeeping obligations.

The manual contains the schedule for records most commonly found in Nevada local governments. This schedule lists collections of records, known as records series or Local Government Disposition Authorizations (LRDAs). The schedule indicates the minimum length of time governmental officials must keep for administrative, legal, fiscal, or historical purposes.

In developing this schedule, no attempt was made to identify all of the records in any one city or county nor to list all records that could possibly exist in all entities. Rather, functional categories common to the majority of entities were identified. The minimum retention periods take into account requirements of the Nevada Revised Statutes (NRS), the Nevada Administrative Code (NAC), and federal law. In cases where no law exists concerning appropriate retention periods, state and local officials who work with the records were consulted.

Not every record series listed in this schedule will be created, received or maintained by an entity. Because a record series is identified does not mean the record series, or all of the records described within a records series, must be created or reside within an office.

This manual meets the obligations established in NAC 239.161.

[NAC 239.161](#) Dissemination of schedules for retention of records; minimum period for retention of original record.

1. The State Library, Archives and Public Records Administrator will:
 - (a) Publish the schedules for the retention of records established pursuant to [NRS 239.125](#) in the *Local Government Records Management Program Manual*; and
 - (b) Provide a current copy of the *Manual* to each local governmental entity.
2. The periods established in the *Local Government Records Management Program Manual* indicate the minimum length of time that a record of a local governmental entity must be retained in legal custody by the custodian of the record, regardless of its physical location.

Retention and Disposition of Records

The Records Retention Schedule is the core document of a records management program. This schedule details the life cycle of a record. It identifies the record series and prescribes how long series must be maintained, as well as their ultimate disposition of either destruction or preservation. Retention schedules must be approved by the Administrator of the State Library, Archives and Public Records. A general records schedule has been approved and is included as a part of this manual.

Local Approval of Manual

This Manual should be adopted under the legal mechanism the local governmental entity has established for adopting ordinances or rules. Once legally adopted, the record retention schedule governs disposition of the record series and adherence to the schedule is necessary for legal accountability. Any local government who adopts this Manual may regularly dispose of any of its records that appear on this schedule without seeking further approval from the State Library, Archives and Public Records.

Unique Records Series

It should be noted that because some local governments are very large and perform unique functions from other local governments, it is impractical to include all of the unique series in this schedule. In such case, the unique records must be appraised for the appropriate retention period and submitted to the Administrator of the State Library, Archives and Public Records for approval. These new schedules may also be considered for inclusion in future Manual updates.

The State Records Program reviews schedules for appropriateness of retention periods, and clarity of terms used. The schedule is also reviewed for material worthy of preservation for historical or research purposes. Titles, descriptions, and treatment of records listed on a schedule must be written in an uncomplicated style that can be understood by persons unfamiliar with the business process of the submitting local governmental entity.

It must be noted that additional approval from State Records is not needed if the local governmental entity simply adopts the records series (LRDAs) set forth in this manual. Local Governments are not required to submit non-substantive changes that do not affect the retention period or disposition of a record. Examples of non-substantive additions are customizing the narrative, adding office of record, or adding media format.

Manual Updates

Because the laws pertaining to the retention and disposal of records change, this Manual will require periodic updating in order to continue to be effective. The State Records program welcomes all comments and suggestions concerned with improvement of record retention schedules through modifications and additions.

NAC 239.155 Disposal of record restricted; procedures for proposal and adoption of schedules for retention of records.

1. A local governmental entity shall not dispose of any record except in accordance with:
 - (a) A schedule for the retention of the record approved by the State Library, Archives and Public Records Administrator; or
 - (b) The schedule for the retention of the record set forth in the Local Government Records Management Program Manual published by the State Library, Archives and Public Records Administrator pursuant to NAC 239.161.
2. Except as otherwise provided in subsection 5, before adopting a schedule for the retention of records, a local governmental entity shall submit the proposed schedule to the State Library, Archives and Public Records Administrator for review and approval.
3. The proposed schedule must include:
 - (a) The title of each record series;
 - (b) A brief description of the contents and purpose of each record series;
 - (c) The proposed minimum period of retention for each record series; and
 - (d) The proposed method of disposition.
4. After review, the State Library, Archives and Public Records Administrator will return the proposed schedule to the local governmental entity with a signed and dated cover sheet.
5. A local governmental entity may adopt a schedule for the retention of a record without the approval of the State Library, Archives and Public Records Administrator if the local governmental entity adopts the schedule for the retention for the record that is set forth in the *Local Government Records Management Program Manual* published by the State Library, Archives and Public Records Administrator pursuant to [NAC 239.161](#).
6. The local governmental entity shall adopt a schedule by ordinance or regulation.

Exceptions and Limitations

The schedule establishes only a *minimum* period of retention. Local government offices may retain any of their records beyond the retention periods set by the schedule as they deem necessary. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so. Unnecessary retention of obsolete records can be expensive in space and filing equipment and may expose the office to costly public records access and potential discovery requirements.

This schedule does not authorize destruction of records that could be deemed relevant to current or pending litigation, audits or public records requests. All records deemed relevant are to be placed on a Legal Hold and destruction is to be suspended until after the matter has been wholly or partially resolved and legal counsel releases the Legal Hold and issues instruction to return to routine records destruction.

These schedules generally reflect audit requirements in its prescribed retention periods, but audits are frequently not completed in a timely fashion. Note, any record required for an audit must be retained until completion of that audit, regardless of its stated retention period in this Manual.

Retention Schedule Descriptions

The schedule is divided into a functional list. Each functional list is assigned a Section number.

- The records series are listed in the section in alphabetical order by series name.
- Each record series is assigned an LRDA number which is a unique item number that identifies the series. The item numbers are not necessarily sequential, since record series can be added and deleted over time.
- Record Series Descriptions give more information about the content of the record series and may include examples of the types of documents typically found within the records series.
- Minimum Retention Period give the total time the records are to be retained, regardless of their location.
- Legal Citations identify the laws or regulations upon which the retention periods or disposition requirements are based.
- The Legal Notes column identifies if the record is confidential and should be destroyed securely. This destruction is to be in compliance with [NAC 239.165](#).
- The Notes column is a field for additional notes on the records series that may be helpful to the local government.

EXAMPLE

| City Clerk [Functional Section] | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------|------------|---------------------|
| Agreements [Record Series Title] | | | | LRDA Number 2007255 |
| Description | Minimum Retention Period | Legal Citations | Legal Note | Note |
| This record series documents the negotiation execution, completion, and termination of legal agreement between a local government and other parties. | Six (6) years after termination or expiration of agreements | NRS 11.190 (1)(b), NRS 266.480 | None | None |

Event-based Records Retention Rules

Event dates are included in retention period statement. An event “triggers” the clock to start toward a defensible disposition. Sometimes these retention periods are dictated by law or regulation; sometimes they are established because of business requirements. Typical events associated with records retention include, but are not limited to, termination of employment, expiration of contract, settlement of legal matter and completion of tax audit, payment-in-full, and closure are common events. Some events relate to the records themselves - such as supersession or obsolescence.

The local entity should review the current triggering events in its retention schedule and to see if they are clear or if updates should be made. Communicate your issues with State Records who can then spearhead this activity so that the change will work with other stakeholders.

Examples of an event date Retention Statement

"3 years after *expiration of the warranty*"

"1 year after *the tap is disconnected*."

What is a Record?

This manual sets the retention periods for the business records of a local governmental entity that meets the definition of record as defined in [NAC 239.101](#):

NAC 239.101 “Record of a local governmental entity” and “record” defined.

“Record of a local governmental entity” or “record” means information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to [NRS 247.070](#), recorded media, financial statements, statistical tabulations and other documentary materials or information, regardless of physical form or characteristic.

This definition includes public accessible records and confidential records. Materials that meet the definition of Nonrecords ([NRS 239.051](#)) are not included in a retention schedule.

NAC 239.051 “Nonrecord materials” defined.

“Nonrecord materials” means published materials printed by a governmental printer, worksheets, unused blank forms except ballots, brochures, newsletters, magazines, catalogs, price lists, drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project and any other documentation that does not serve as the record of an official action of a local governmental entity.

Can Records be Destroyed?

State law and regulation require the use of retention schedules when disposing of records. Without a schedule in place, there is no legal authority to dispose of records.

Confidential records must be destroyed in a manner that ensures the records cannot be retrieved or reconstructed ([NRS 239.165](#)). Nonconfidential records can be destroyed in any manner as approved by the local governmental entity.

NAC 239.165 Destruction of confidential records.

To protect the confidentiality of the records of a local governmental entity that are declared by law to be confidential, such records must be destroyed in accordance with the applicable schedule for the retention of the record and:

1. In the manner required by the laws, regulations, established standards, policies and procedures of the State or Federal Government; or
2. If no laws, regulations, established standards, policies or procedures are applicable, in a manner that ensures the information contained in the record cannot be retrieved or reconstructed.

Unauthorized destruction of, or tampering with, official records can have serious consequences; a public officer or employee guilty of destroying public records. The NRS established a Class C penalty ([NRS 239.300](#)) if a person willfully and knowingly destroys a record prematurely from the period defined within the approved Records Retention Schedule.

NRS 239.300 Stealing, altering or defacing records, documents or instruments.

A person who:

4. Steals, alters, defaces or falsifies any minute, document, book or any proceedings of or belonging to any public office within this state,
↳ is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

Nevada Revised Statutes (NRS)

Disposal of Obsolete Records

NRS 239.121 Local governmental records: Definitions. As used in NRS 239.121 to 239.125, inclusive:

1. “Custodian of records” means any person authorized to have the care, custody and control of any documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity.
2. “Governing body” means the governing body of a local governmental entity.
3. “Local governmental entity” means a county, an incorporated city, an unincorporated town, a township, a school district or any other public district or agency designed to perform local governmental functions.
4. “Old records” means documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity which are retained for any purpose by the local governmental entity beyond the minimum period for retention established by the Division or for 5 years or more, whichever is earlier.

NRS 239.123 Local governmental records: Submission to Division; accounting; return or reclamation.

1. As an alternative to the destruction of old records, the records, with the consent of the governing body and the State Library, Archives and Public Records Administrator, may be submitted to the Division.
2. The custodian of records shall maintain an accounting of all old records disposed of pursuant to subsection 1, indicating the nature or identity of the records as well as the date of submission to the Division.
3. The Division may return the records so submitted, or any part thereof, if they have no historical or permanent value.
4. Records so submitted may be reclaimed, in whole or in part, by the local government if:
 - (a) The Division did not acquire title to them in an agreement between the State Library, Archives and Public Records Administrator and the local government; and
 - (b) The local government serves written notice upon the Division of its intention to reclaim the records and pays the cost of transportation for the return.

NRS 239.124 Local governmental records: Exclusive procedures for destruction. The procedures set forth in [NRS 239.051](#), [239.110](#) and [239.123](#), and any procedure specifically authorized by the special charter of an incorporated city, constitute the procedures for disposition by a local governmental entity of any old records which have been retained by the entity for any purpose. The disposition thereof must not occur except in compliance with one of those procedures.

NRS 239.125 Local governmental records: Program for management; regulations of State Library, Archives and Public Records Administrator.

1. A local governmental entity may establish a program for the management of records, including the adoption of schedules for the retention of records and procedures for microfilming, which must be approved by the governing body and comply with the applicable provisions of this chapter and any regulations adopted pursuant thereto.
2. The State Library, Archives and Public Records Administrator shall adopt regulations to carry out a program to establish and approve minimum periods of retention for records of local governments. The proposed regulations or any amendment thereto must be submitted to the Committee on Local Government Finance, established pursuant to [NRS 354.105](#), for its advice and recommendations.

NEVADA ADMINISTRATIVE CODE (NAC)

Records of Local Governmental Entities

NAC 239.011 Definitions. As used in [NAC 239.011](#) to [239.165](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 239.019](#) to [239.106](#), inclusive, have the meanings ascribed to them in those sections.

NAC 239.019 “Convenience copy” defined. “Convenience copy” means a duplicate record.

NAC 239.022 “Division” defined. “Division” means the Division of State Library, Archives and Public Records of the Department of Administration.

NAC 239.041 “Legal custody” defined. “Legal custody” means all rights and responsibilities of access to and maintenance of a record which are vested in an office or department of a local governmental entity and with the official or head of the department charged with the care, custody and control of that record.

NAC 239.045 “Local governmental entity” defined. “Local governmental entity” has the meaning ascribed to it in [NRS 239.121](#).

NAC 239.051 “Nonrecord materials” defined. “Nonrecord materials” means published materials printed by a governmental printer, worksheets, unused blank forms except ballots, brochures, newsletters, magazines, catalogs, price lists, drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project and any other documentation that does not serve as the record of an official action of a local governmental entity.

NAC 239.061 “Office or department” defined. “Office or department” means an office, department, board, commission, committee, agency or any other subdivision of a local governmental entity where records are made, received or kept.

NAC 239.101 “Record of a local governmental entity” and “record” defined. “Record of a local governmental entity” or “record” means information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to [NRS 247.070](#), recorded media, financial statements, statistical tabulations and other documentary materials or information, regardless of physical form or characteristic.

NAC 239.103 “Record series” defined. “Record series” means records that are kept or filed in a unified or sequential arrangement, having similar characteristics or relating to a similar function or activity.

NAC 239.106 “Records management” defined. “Records management” means the systematic control and management of a record throughout the life cycle of the record, including, without limitation, the creation, use, maintenance, retention and ultimate disposition of the record.

NAC 239.131 Destruction of nonrecord materials. Nonrecord materials may, if not otherwise prohibited by law, be destroyed at any time by an official or the head of a department without being scheduled for destruction by the State Library, Archives and Public Records Administrator.

NAC 239.145 Records management program: Documentation and standards required. If a local governmental entity establishes a records management program pursuant to [NRS 239.125](#), the program must:

1. Document its organization, functions, policies, decisions, procedures and essential transactions; and
2. Include the standards established in the *Local Government Records Management Program Manual* published by the State Library, Archives and Public Records Administrator pursuant to [NAC 239.161](#).

NAC 239.155 Disposal of record restricted; procedures for proposal and adoption of schedules for retention of records.

1. A local governmental entity shall not dispose of any record except in accordance with:
 - (a) A schedule for the retention of the record approved by the State Library, Archives and Public Records Administrator; or
 - (b) The schedule for the retention of the record set forth in the *Local Government Records Management Program Manual* published by the State Library, Archives and Public Records Administrator pursuant to [NAC 239.161](#).
2. Except as otherwise provided in subsection 5, before adopting a schedule for the retention of records, a local governmental entity shall submit the proposed schedule to the State Library, Archives and Public Records Administrator for review and approval.
3. The proposed schedule must include:
 - (a) The title of each record series;
 - (b) A brief description of the contents and purpose of each record series;
 - (c) The proposed minimum period of retention for each record series; and
 - (d) The proposed method of disposition.
4. After review, the State Library, Archives and Public Records Administrator will return the proposed schedule to the local governmental entity with a signed and dated cover sheet.
5. A local governmental entity may adopt a schedule for the retention of a record without the approval of the State Library, Archives and Public Records Administrator if the local governmental entity adopts the schedule for the retention for the record that is set forth in the *Local Government Records Management Program Manual* published by the State Library, Archives and Public Records Administrator pursuant to [NAC 239.161](#).

6. The local governmental entity shall adopt a schedule by ordinance or regulation.

NAC 239.161 Dissemination of schedules for retention of records; minimum period for retention of original record.

1. The State Library, Archives and Public Records Administrator will:

(a) Publish the schedules for the retention of records established pursuant to [NRS 239.125](#) in the *Local Government Records Management Program Manual*; and

(b) Provide a current copy of the *Manual* to each local governmental entity.

2. The periods established in the *Local Government Records Management Program Manual* indicate the minimum length of time that a record of a local governmental entity must be retained in legal custody by the custodian of the record, regardless of its physical location.

NAC 239.165 Destruction of confidential records. To protect the confidentiality of the records of a local governmental entity that are declared by law to be confidential, such records must be destroyed in accordance with the applicable schedule for the retention of the record and:

1. In the manner required by the laws, regulations, established standards, policies and procedures of the State or Federal Government; or

2. If no laws, regulations, established standards, policies or procedures are applicable, in a manner that ensures the information contained in the record cannot be retrieved or reconstructed.

Minutes of Public Bodies

NAC 239.850 Transfer for archival preservation and public access; maintenance in Nevada; legal custody; return from archival repository.

1. For the purposes of subsection 2 of [NRS 241.035](#), the minutes of a public body, including agendas, exhibits and other related records, may be transferred for archival preservation and continued public access to:

(a) For a state agency, the State Archives.

(b) For the Nevada System of Higher Education, an archival program or special collections of the Nevada System of Higher Education.

(c) For a local governmental entity, an archival repository that:

(1) Has been approved by the governing body that created the minutes or its successor; and

(2) Is located in this State.

2. Except for the purposes of display or special exhibits, minutes created in accordance with [NRS 241.035](#) must remain in this State.

3. An archival repository that accepts minutes from a public body pursuant to subsection 1 receives legal custody of the minutes.

4. If an archival repository has accepted minutes from a public body pursuant to subsection 1 and finds itself no longer able to retain those minutes, the archival repository shall return the minutes to the public body from which the minutes originated or to the successor of that public body. If the public body or its successor ceases to exist, the records must be transferred to an archival repository pursuant to the provisions of subsection 1.

5. As used in this section:

(a) "Archival repository" means a facility, professional staff and written program established to select, preserve and provide access to records containing research or archival value.

(b) "Local governmental entity" has the meaning ascribed to it in [NRS 239.121](#).

(c) "State agency" has the meaning ascribed to it in [NAC 239.690](#).

Records Management

NAC 239.900 Definitions. As used in [NAC 239.900](#) to [239.945](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 239.902](#) to [239.930](#), inclusive, have the meanings ascribed to them in those sections.

NAC 239.906 "Electronic record" defined. "Electronic record" means a record of a governmental entity that is stored by the governmental entity in an electronic format, such that a computer or machine is required to access or process the record.

NAC 239.908 "Governmental entity" defined "Governmental entity" means:

1. A local governmental entity;

2. A state agency; or

3. The Board of Regents of the University of Nevada.

NAC 239.910 “Historical value” defined. “Historical value” has the meaning ascribed to it in [NAC 239.597](#).

NAC 239.912 “Local governmental entity” defined. “Local governmental entity” has the meaning ascribed to it in [NRS 239.121](#).

NAC 239.914 “Migration” defined. Migration” means the transfer of an electronic record from one hardware, software or database structure to another or from one generation of computer technology to another for the purpose of assuring the preservation, usability and integrity of the record.

NAC 239.918 “Record” defined. “Record” includes, without limitation, a record of a local governmental entity and an official state record.

NAC 239.920 “Record of a local governmental entity” defined. “Record of a local governmental entity” has the meaning ascribed to it in [NAC 239.101](#).

NAC 239.922 “Records management” defined. “Records management” means the systematic control and management of a record throughout the life cycle of the record, including, without limitation, the creation, use, maintenance, retention and ultimate disposition of the record.

NAC 239.924 “Records officer” defined. Records officer” means:

1. In the case of a state agency, the person designated pursuant to [NAC 239.700](#) by the head of the state agency; or
2. In the case of the Board of Regents of the University of Nevada or a local governmental entity, a person, if any, designated to manage the records of the Board or the local governmental entity.

NAC 239.926 “Schedule” defined. “Schedule” means, as applicable:

1. A schedule for the retention of records approved by the State Library, Archives and Public Records Administrator pursuant to [NAC 239.155](#); or
2. A schedule for the retention and disposition of official state records developed by a state agency and approved by the Committee pursuant to [NRS 239.080](#).

NAC 239.935 Sealed records.

1. If a governmental entity is required by law or a court of competent jurisdiction to seal a record which is in its legal custody, the governmental entity must make the record accessible only to authorized personnel of the governmental entity, a person possessing a court order authorizing the person to access the record or any other person authorized by law to access the record.

2. A governmental entity shall:

- (a) Place a sealed record in a place which is not accessible to the general public, such as a filing cabinet or drawer which can be locked; or
- (b) Send a sealed record to:
 - (1) The records center; or
 - (2) A space or facility that meets the requirements set forth in [NAC 239.742](#).

3. If a sealed record is an electronic record, the governmental entity must:

- (a) Transfer the sealed record to:
 - (1) A directory in which the sealed record is protected from unauthorized access;
 - (2) An off-line media format, including, without limitation, a compact disc or tape; or
 - (3) A computer system in which the sealed record is protected from unauthorized access; and
- (b) Indicate on the sealed record that it has been sealed and may be accessed only by authorized personnel.

4. Unless prohibited by law or a court order, a governmental entity may place an image of a sealed record on microfilm or convert the sealed record to an electronic record so that the physical version of the sealed record may be destroyed.

5. A governmental entity shall make a notation in its records management program that a record has been sealed. The notation must include, without limitation, the name of the record, the date on which it was sealed and a cite of the legal authority for sealing the record. The governmental entity shall place with the sealed record a copy of the court order, statutory authority or other legal authority pursuant to which the record is sealed.

6. A sealed record is not accessible to the public for inspection. When responding to any inquiry regarding a sealed record, a governmental entity may disclose the existence of the sealed record only if authorized to do so by law or a court of competent jurisdiction.

7. If a record is sealed, authorized personnel of the governmental entity may review the record for administrative purposes only.

8. The governmental entity shall keep an access log for each sealed record. All inspections of a sealed record must be recorded in the access log, which must specify the name of the person who inspects the sealed record, the date of the inspection, the purpose of the inspection and the specific law or court order authorizing the inspection of the sealed record.

9. A sealed record may be disposed of only as authorized by the schedule of the governmental entity.

NAC 239.940 Transfer of electronic records of historical value.

1. If the Committee requires a state agency to transfer an electronic record of historical value to the State Archives, the state agency must transfer the electronic record to the State Archives in accordance with procedures established by the State Library, Archives and Public Records Administrator.

2. A local governmental entity may transfer an electronic record of historical value to an archival repository that:

(a) Has been approved by the governing body of the local governmental entity; and

(b) Is located in this State.

3. As used in this section, "archival repository" has the meaning ascribed to it in [NAC 239.850](#).

NAC 239.945 Electronic records.

1. The electronic recordkeeping system described in [NRS 239.051](#) of a governmental entity must be designed and maintained so that the electronic recordkeeping system is able to:

(a) Manage each electronic record in the electronic recordkeeping system throughout the life cycle of the electronic record, from its creation or receipt until its ultimate disposition, including, without limitation:

(1) Allowing only authorized personnel to access and modify each electronic record;

(2) Creating an electronic index or other searchable database for electronic records;

(3) Preserving electronic records and preventing the unauthorized alteration, erasure or destruction of electronic records;

(4) Creating a backup electronic recordkeeping system that allows for the recovery of electronic records in the case of the failure of the electronic recordkeeping system;

(5) Correlating electronic records maintained in the electronic recordkeeping system with related records that are not maintained in the electronic recordkeeping system; and

(6) Allowing for the migration of electronic records;

(b) Distinguish between an electronic record and nonrecord materials;

(c) Match each electronic record to the appropriate schedule;

(d) Indicate:

(1) Whether the governmental entity is still amending the electronic record; and

(2) The last date on which the governmental entity amended the electronic record;

(e) Identify the date, if any, of the disposition of the electronic record;

(f) If an electronic record is destroyed, ensure that the electronic record is destroyed in accordance with the appropriate schedule and in a manner which ensures that the information contained in the electronic record cannot be retrieved or reconstructed; and

(g) Transfer each electronic record of historical value to the State Archives or an archival repository pursuant to [NAC 239.940](#).

2. A governmental entity shall:

(a) Ensure that no electronic record, portion thereof, or any other information in the electronic recordkeeping system is lost or destroyed because of changing or deteriorating technology;

(b) Retain each electronic record in a usable format for the period required pursuant to the appropriate schedule;

(c) Ensure that the migration of an electronic record does not prevent the authorized disposition of the electronic record;

(d) Establish procedures to ensure the validity of the electronic records managed by the electronic recordkeeping system and the disposition of such electronic records. Such procedures must include, without limitation:

(1) The regular copying and reformatting of each electronic record in the electronic recordkeeping system and regular performance of any other actions necessary to ensure the retention, usability and completeness of each electronic record in the electronic recordkeeping system throughout the life cycle of each electronic record, from its creation or receipt until its final disposition; and

- (2) Standardizing the methods for creating and retrieving similar types of electronic records; and
- (e) Provide for the staff of the governmental entity an ongoing training program regarding the use of the electronic recordkeeping system, including, without limitation, training in:
 - (1) The operation, care and handling of the equipment, software and media used in the electronic recordkeeping system;
 - (2) Recognizing the distinction between an electronic record and nonrecord materials;
 - (3) Safeguarding confidential, restricted or otherwise sensitive electronic records; and
 - (4) Managing electronic mail.
- 3. As used in this section:
 - (a) "Convenience copy" means a duplicate record.
 - (b) "Electronic recordkeeping system" means a computerized information system with which electronic records are collected, organized and categorized to facilitate their preservation, retrieval, use and disposition.
 - (c) "Nonrecord materials" means published materials printed by a governmental printer, worksheets, unused blank forms except ballots, brochures, newsletters, magazines, catalogs, price lists, drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project and any other documentation that does not serve as the record of an official action of a governmental entity.

Glossary of Records Management Terms

Active records A group of records that are referred to frequently, such as daily, weekly or monthly. Active records should be maintained in the office for quick and easy access.

Archival/Historical records Records with enduring value that are preserved for reference and research purposes because they reflect significant events or document the history and development of the governmental entity.

Confidential record A record that by statute or regulation requires special protection from unlawful removal, misuse, damage, alteration, destruction or loss.

Convenience copy All copies of a record other than the official copy that were created for purposes of reference or research.

Disposition Any manner or method of changing the custody, location, or physical state of records. Final disposition includes transfer to archives and destruction.

Imaging The process of creating an exact image of a document utilizing either electronic (digital) or photographic (microfilm) technology.

Inactive records Records that are referred to so infrequently in the conduct of current business that they may be removed from the active office and either retired to an inactive records storage area.

Legal Hold Suspending the process of routine destruction of records when it is determined that the records may be relevant to foreseeable or pending litigation, government investigation, or audit.

Lifecycle of records The progression of records from creation and receipt through distribution and use; storage and maintenance, to final disposition.

Local-Government Records Disposition Authority (LRDA) The control number assigned to the record retention schedule by the Nevada State Library, Archives and Public Records.

Nonrecord This includes publications, worksheets, drafts, routine replies, telephone messages, blank forms, and extra copies of documents created for convenience or public distribution. Nonrecords may be destroyed when no longer administratively needed.

Office of Record The office designated as the official custodian of records for specified programs, activities, or transactions.

Record Recorded information, regardless of medium or characteristics. Any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been received by an organization and has been used by that organization or its successors as evidence of its activities or because of the information contained. In databases, in electronic record keeping systems, a collection of related data fields.

Records management The life-cycle management of records to promote effective and economical documentation of government actions and transactions.

Records manager or records officer The individual responsible for the records management functions, including files organization and maintenance, records transfer, and records destruction.

Records retention schedule A disposition schedule ensures government records have been retained for as long as they are needed and promotes prompt and legal disposition of records.

Records series Records kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of action, take a particular physical form, or because of some other relationship arising out of their creation, receipt, or use. Generally handled as a unit for disposition purposes.

Retention period The period of time from when the record is created to the time it is final disposition. The retention period is usually triggered by an event (see also File Break), such as end of calendar year, end of fiscal year, creation date, termination date, expiration date, cancellation date, etc.

Additional Resources

The State Records Local Government web page has several links to resources that are available for additional reading on how to build a records management programs.

Web site http://nsla.nv.gov/Records/Resources/Resources_Main/

Professional Associations

National Association of Government Archives and Records Administrators (NAGARA) www.nagara.org

ARMA International www.arma.org

Books, guidelines, software, and other information are available at ARMA's on-line bookstore: www.arma.org/bookstore.

NAGARA - Local Government Records Management Technical Bulletins

NAGARA and the International Institute of Municipal Clerks (IIMC) has published a series of bulletins for local and county government officials who have had little education or experience in managing their communities' records and who have limited resources available to obtain that training. Bulletin topics include:

[Archives for Local Governments](#)

[Considerations for Content Management Systems](#)

[The Daily Management of Records and Information](#)

[Developing a Records Storage System](#)

[Email Management](#)

[Establishing Records Retention](#)

[Funding Your Records Management Project](#)

[Identifying and Locating Your Records](#)

[Making Your Records Management Program Successful](#)

[Managing Electronic Records](#)

Managing Records with Limited Resources
Protecting Vital Records
The Selection and Development of Local Government Records Storage Facilities
Starting a Records Management Program
Using and Storing Microfilm

Library Catalog

The State Library holds several books on records management that are available for loan. The Library directly loans materials to visitors who are Nevada citizens with a valid Nevada library card. The Library provides distance loans of materials from its collections when requested by another library that subscribes to the Interlibrary Loan Code. You may search the catalog on their web site at <http://www.clan.lib.nv.us/Polaris/Default.aspx?ctx=53.1033.0.0.1>